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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/560,358

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EXAMINER

STORK, KYLE R

ART UNIT

PAPER NUMBER

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/560,358	<b>Applicant(s)</b> SHIMIZU ET AL.	
	<b>Examiner</b> KYLE R. STORK	<b>Art Unit</b> 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,7 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1.16.08; 4.28.08</u>  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This final office action is in response to the amendment filed 28 April 2008.
2. Claims 1, 4, and 7-8 are pending. Claims 1 and 4 are independent claims.

### ***Information Disclosure Statement***

3. The information disclosure statements (IDS) submitted on 16 January and 10 April 2008 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Ly (US 2003/0206203, filed 13 June 2002).

As per independent claim 1, Ly discloses an editing device for executing an editing process based on a list specifying edit details and registering an obtained edit result in an external device, comprising:

Processing means for performing a prescribed process on edit material  
(paragraph 0009: Here, the free form data is edited using the processing means)

Registration means for registering the editing result in the external device  
(paragraph 0075: Here, each of the data notes are stored within a data file)

Control means for controlling the processing means and the registration means,  
wherein:

The control means controls the processing means so as to perform the processes on only necessary parts out of the edit material and controls the registration means so as to register only a result of the process of the necessary parts in the external device as the editing material (paragraphs 0086-0089: Here, the control means routes the edit material to other users)

wherein the control means controls the processing means so as to perform the process on only necessary parts out of the edit material based on the list and controls the registration means so as to register only a result of the process of the necessary parts as the editing result in the external device when the list being created is reproduced according to external operation in a creation mode of the list (paragraphs 0086-0089: Here, the user edits are passed to the external collaborative editors).

wherein when a batch registration request of the editing result based on the list entered by external operation is given after the list is finished, the control means controls the processing means so as to perform the process has not been registered in the external device, out of the necessary parts out of the edit material, and controls the registration means so as to register a result of the process of the necessary parts in the

external device as the editing results (paragraphs 0086-0089: Here, an option allows for approval of updates. In this instance, the batch of updates are held, and do not occur until a reviewer approves the updates)

when a sequential registration mode is set, and a sequential part registration request is received when the list is being created, said control means controls said processing means so as to perform the process and control said registration means so as to register a sequential result of the process on only necessary parts that have not been registered in the external device (paragraphs 0086-0089: Here, in a sequential registration mode, the updates are pushed to users once received).

As per claim 4, the applicant discloses the limitations similar to those in claim 1. Claim 4 is similarly rejected.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ly and further in view of Newell et al. (US 2003/0219226, filed 18 March 2003, hereafter Newell).

As per dependent claim 7, Ly discloses the limitations similar to those in claim 1. Ly fails to specifically disclose wherein the sequential part registration is prompted by a selection of a preview command. However, Newell discloses wherein the sequential part registration is prompted by a selection of a preview command (paragraph 0043: Here, the sequential preview is modified based upon the editing (deletion or update) of contents of the data storage system). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Newell with Ly, since it would have allowed a user to generate a preview sequence of data.

As per dependent claim 8, the applicant discloses the limitations substantially similar to those in claim 7. Claim 8 is similarly rejected.

### ***Response to Arguments***

9. Applicant's arguments filed 28 April 2008 have been fully considered but they are not persuasive.

As an initial matter, the examiner apologizes for the typographic error, which rejected claims under 35 USC 102(a) instead of 35 USC 102(e).

The applicant argues that the prior art fails to disclose wherein when a batch registration request of the editing result based on the list entered by external operation is given after the list is finished, the control means controls the processing means so as to perform the process has not been registered in the external device, out of the necessary parts out of the edit material, and controls the registration means so as to register a result of the process of the necessary parts in the external device as the editing results and when a sequential registration mode is set, and a sequential part registration request is received when the list is being created, said control means controls said processing means so as to perform the process and control said registration means so as to register a sequential result of the process on only necessary parts that have not been registered in the external device. However, the examiner respectfully disagrees. Ly discloses wherein when a batch registration request of the editing result based on the list entered by external operation is given after the list is finished, the control means controls the processing means so as to perform the process has not been registered in the external device, out of the necessary parts out of the edit material, and controls the registration means so as to register a result of the process of the necessary parts in the external device as the editing results (paragraphs 0086-0089: Here, an option allows for approval of updates. In this instance, the batch of updates are held, and do not occur until a reviewer approves the updates) and when a sequential registration mode is set, and a sequential part registration request is received

when the list is being created, said control means controls said processing means so as to perform the process and control said registration means so as to register a sequential result of the process on only necessary parts that have not been registered in the external device (paragraphs 0086-0089: Here, in a sequential registration mode, the updates are pushed to users once received).

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KYLE R. STORK whose telephone number is (571)272-4130. The examiner can normally be reached on Monday-Friday (8:00-4:30).



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kyle R Stork  
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